

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, September 19, 2011
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan
Alternates present: K. Rawn
Alternates absent: F. Loxsom, V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development

Chairman Favretti called the meeting to order at 7:00 p.m.

Minutes:

09-6-11- Pociask MOVED, Hall seconded, to approve the 9/6/11 minutes as written. MOTION PASSED UNANIMOUSLY. Beal and Hall stated that they had listened to the recording of the meeting.

Zoning Agent's Report:

Hirsch noted that he spoke to a representative for Gibbs Gas Station and they stated that they will send someone out to the site to clean up the yard debris. He also noted that he spoke to Mr. Tomazos who indicated that re-seeding will take place in the next few weeks, adding that the storm washed away the hydro-seeding that was done.

Discussion:

Jeffrey Allan Brown, applicant for architect vacancy on Design Review Panel, introduced himself and discussed his background. Members thanked him for his time and for his willingness to serve. It was noted that the appointment of a new member for the Design Review Panel would be discussed at the next meeting.

Old Business:

1. **Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5**

Goodwin MOVED, Holt seconded, to approve with conditions the Special Permit application (file #483-5) of David Mills, as agent for Owner for a 1,440 square foot restaurant use at property located at 82-86 Storrs Road, otherwise known as the Staples Center , in a PB-1 zone, as submitted to the Commission and shown on plans dated March 10, 2011, revised to June 21, 2011 and July 13, 2011 and presented at Public Hearing on August 1, 2011 and September 6, 2011.

This approval is granted because the application as presented is considered to be in compliance with Article V, Section A (5), Article V, Section B (5), Article X, Section R and other applicable provisions of the Mansfield Zoning Regulations and is approved subject to the following conditions:

1. That the patio and fencing be re-designed and installed so as to allow for adequate space for truck turning movements as recited and depicted in a memorandum from the Mansfield Assistant Town Engineer dated September 6, 2011;
2. That the size of the dumpster be coordinated with and approved by the Director of Planning and Development and Recycling Coordinator before installation and/or siting of the dumpster;
3. That landscape details be submitted by the applicant and approved by the Commission chairman with staff assistance;
4. That the proposed signs for the subject use be submitted by the applicant and approved by the Commission chairman with staff assistance. Application for any required variances shall be submitted after preliminary approval of the proposed sign by the chairman and staff;
5. That the new sanitary waste disposal system, whether on site or by sewer connection, be approved by all pertinent regulators and installed before a final certificate of zoning compliance is issued.

This approval also grants a waiver of the parking regulations as set forth in Article V, Section 10 (D) allowing the reduction of parking spaces from 249 to 239. This waiver is granted because it has been demonstrated that the subject parking lot in fact has adequate parking spaces for the present uses in residence. Notwithstanding the foregoing, should the Zoning Agent determine at a future date that 239 spaces are not adequate for the parking needs of the plaza, the applicant shall construct ten (10) additional spaces.

This permit shall not become valid until the applicant obtains the permit from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

2. **Special Permit Application for proposed office building, North Frontage Road, K. Tubridy owner, United Services applicant, PZC File #1302**

Plante MOVED, Holt seconded, to approve with conditions the Special Permit application (PZC File #1302) of United Services, Inc., for a professional office located on North Frontage Road, as described in a statement of use, as shown on the 20-page plan set dated June 27, 2011 as prepared by BL Companies and a Topographic Survey dated 5/23/05, as prepared by Datum Engineering, LLC., and as presented at a Public Hearing on 8/1/11. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. **Extent of Approval.** This approval authorizes the proposed professional office and related site work. Any significant change in the use or site improvements as described in application submissions and at the Public Hearing, including the areas designated for future building and parking expansions, shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC.
2. **Landscaping.** The applicant shall submit a revised parking lot landscaping plan for the approval of the Director of Planning and Development and the PZC Chair that demonstrates an increase in interior landscaping and perimeter landscaping along North Frontage Road to minimize the visual effect of having parking on 3 sides of the building. Such plan may result in a relocation/reduction in the number of parking spaces provided, which is acceptable provided the revised design continues to meet the minimum number of spaces provided.
3. **Landscape Buffer Reduction.** This approval specifically authorizes a reduction in the required 50-foot landscape buffer to allow the northwest corner of the parking lot to be located 39.88 feet from the north property line.
4. **Signs.** The proposed free-standing sign shall be relocated to meet the required 10 foot setback.
5. **Lighting.** The lighting plan shall be updated to include the height of various light fixtures proposed as well as lighting for the entrance sign. The plan must demonstrate that the proposed sign up-lighting will not result in light spillage, otherwise an overhead fixture will be required.
6. **Sanitary System.** The new sewer connection shall be approved by all pertinent regulators and installed before a final certificate of zoning compliance is issued. Furthermore, the following corrections shall be made to the plan sheets regarding the sewer system:
 - a. Amend Note 26 on Sheet SU-1 to reflect conformance with WWPCA requirements in addition to Windham Water Works;
 - b. Amend Note 15 on Sheet DM-1 to correctly reference Windham Water Works, not Connecticut Water.

7. **Aquifer Protection.** Pursuant to the requirements of Article VI, Section B(4)(M), the applicant shall submit the following documents for the review and approval of the Director of Planning and Development:
 - a. A storm water management plan detailing proposed provisions to minimize the risks of groundwater contamination, including prohibition of the use of salts and chemicals for ice removal. The plan shall also describe how best management control practices for stormwater controls have been used in accordance with the Department of Environmental Protection Best Management Guidelines;
 - b. A landscape management plan that addresses the use of fertilizers, pesticides and other organic or chemical applications to minimize the risk of groundwater contamination.
8. **Pedestrian and Bicycle Facilities.** The following notes/amendments to the site plan shall be made regarding pedestrian and bicycle facilities:
 - a. Vehicle barriers/tire stops shall be installed where parking spaces abut the pedestrian sidewalk surrounding the building;
 - b. The crosswalk across the driveway shall be constructed level with the sidewalk, not within the sloping driveway apron;
 - c. Note acknowledging that the sidewalk along North Frontage Road east of the subject site will be installed with the next phase of the project;
 - d. Note acknowledging that the existing bicycle access from North Frontage Road to the existing segment of joint use sidewalk will be maintained;
 - e. Note stating that no driveway or sidewalk work within the North Frontage Road right-of-way shall begin until an encroachment permit is issued by the State Department of Transportation;
 - f. Note responsibility of owner to maintain and repair sidewalk pursuant to Article II, Section 166-9 of the Mansfield Code of Ordinances;
 - g. Benches shall be added to the bus shelter area for clients.
9. **Cross-Access.** If the property is to be sold, a cross-access easement with the parcel to the east shall be required.
10. **Final Plans.** Final plans shall be signed and sealed by all responsible professionals.
11. **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

3. **2-Lot Re-Subdivision Application (1 new lot), 98 Fern Road, Koautly o/a, PZC File #1304**

Ryan MOVED, Holt seconded, to approve with conditions the subdivision application (File #1304), of M. Youssef I. & Ann M. Kouatly, for two lots, on property owned by the applicant, located at 98 Fern Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated July 12, 2011 as revised to August 30, 2011 and through testimony heard at a Public Hearing on September 6, 2011.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, landscape architect and soil scientist.
2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves the side line setback waiver on Lot 2 along the common boundary. Unless the Commission specifically authorizes revisions, the approved envelopes shall serve as the setback lines for all future

structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically Noticed on the Land Records and the deed for the subject property.

3. A number of specimen trees on Lots 1 and 2 have been identified to be saved. No Zoning Permits shall be issued on these lots until a protective barrier has been placed around the specimen trees identified to be saved and the barrier has been found acceptable by the Zoning Agent. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of the subject lots.
4. In addition to final plan notes referenced in conditions 2 and 3, the following map revisions shall be incorporated onto final plans:
 - A. Change the legend on Sheet 2 to correctly refer to the BAE as Building Area Envelope and DAE as Development Area Envelope;
 - B. Add the BAE and DAE boundaries to Sheet 1 (Boundary Plan) with accompanying notes;
 - C. Add a note indicating the area contained within the BAE and DAE for both Lots 1 and 2;
 - D. Rename Sheet 2 "Resubdivision Plan".
5. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):
 - A. All final maps, including submittal in digital format and a Notice on the Land Records to address conditions 2 and 3 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
 - B. All monumentation with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days, of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

4. **New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2**
To be tabled- Continued Public Hearing on 10/3/11.
5. **Request for Scenic Road Designation, Gurleyville Road (from Route 195 to Codfish Falls Rd) PZC File # 1010-8**
Tabled- scheduled 10/3/11 Public Hearing.
6. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**
Tabled-awaiting information from the applicant.

New Business:

1. **8-24 Referral-Sewer Connection at 82-86 Storrs Rd**
Hall MOVED, Plante seconded, that the PZC notify the Town Council that the proposed Storrs Road sewer line extension project is consistent with Mansfield's Plan of Conservation and Development and implementation will significantly reduce the potential for future aquifer contamination. MOTION PASSED UNANIMOUSLY.
2. **8-24 Referral-South Eagleville Walkway Project**
Hall MOVED, Holt seconded, that the PZC notify the Town Council that the proposed South Eagleville Road sidewalk project is consistent with Mansfield's Plan of Conservation and Development, and

implementation will significantly enhance pedestrian safety in this area. All necessary Inland Wetlands permits need to be obtained before any construction begins. MOTION PASSED with all in favor except Plante who was opposed.

3. Request for Modification, Lots 20 & 21 Beacon Hill Estates, PZC File #1214-2

Edward Pelletier, Datum Engineering and Surveying, LLC, reviewed the proposed change and distributed a plan which depicted the proposal. Ryan MOVED, Holt seconded, that the Planning & Zoning Commission approves the Development/Building Area Envelopes on Lots 20 & 21 of the Beacon Hill Estates Subdivision as proposed in a 9/9/11 modification request and shown on a plan dated 7/26/11 with the condition that the plan be revised to accurately note the lot area of each lot. This approval shall become effective upon the endorsement and filing upon the land record of the revised plan and a Notice of Development/Building Area Envelope Revisions. MOTION PASSED UNANIMOUSLY.

4. Live Music Permit Renewals, PZC File #895

Holt MOVED, Hall seconded, that the Commission receive the special permit requests for the renewal of live music permits and schedule a public hearing for October 17, 2011. MOTION PASSED UNANIMOUSLY.

Goodwin raised the point that the zoning regulations are not clear on the definition of live music and where it applies. By consensus, the Commission agreed to send this issue to the Regulatory Review Committee for clarification.

Reports from Officers and Committees:

None.

Communications:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 7:54 p.m.

Respectfully submitted,

Katherine Holt, Secretary